

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D- 07-0151 RECEIVED
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Forester's 4-F Cattle Co, Inc.,)
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Respondent) Complaint

There is reason to believe that the Respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §181 et seq.), hereinafter referred to as the Act, and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §201.1 et seq.), hereinafter referred to as the regulations. Therefore, this complaint is issued alleging the following:

I

(a) Forester's 4-F Cattle Co., Inc., hereinafter referred to as Respondent, is a corporation organized and existing under the laws of the State of Texas. Its business mailing address is P.O. Box 122, La Rue, Texas 75770-0122.

(b) Respondent is, and at all times material herein, was:

- (1) Engaged in the business of buying and selling livestock in commerce for its own account;
- (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock.

II

(a) During the period January 3, 2005 through March 23, 2005, Respondent purchased 2,125 head of livestock from various livestock markets. During the period January 6, 2005 through March 25, 2005, in 22 transactions, Respondent sold to 14 separate customers the 2,125 head of livestock originally purchased at various livestock markets. The original purchase weight of the 2,125 head from various livestock markets was 933,425 pounds. The weight charged to customers by Respondent was 949,351 pounds. Respondent failed to sell this livestock to its customers on either the original purchase weights or on actual weights determined by a proper re-weighing. In connection with the sale of livestock to its customers, Respondent:

- (1) Weighed livestock at other than their true and correct weights;
- (2) Sold livestock on the basis of false and incorrect weights;
- (3) Issued invoices to buyers on the basis of false and incorrect weights;
- (4) Failed to issue scale tickets to buyers when the livestock was allegedly re-weighed for the purpose of sale to buyers;
- (5) Failed to record weight values on a scale ticket with a printing device when livestock was allegedly re-weighed for the purpose of sale to buyers;
- (6) Generated handwritten scale tickets for its own records on the basis of false and incorrect weights; and
- (7) Failed to operate its livestock scale so as to insure accurate weights.

(b) Respondent's sales on the basis of false and incorrect weights were as follows:

Customer Name	No. Hd	Purchase Weight (lbs)	Date Bought	Sale Weight (lbs)	Date Sold	Weight Increase (lbs)	Dollar Amount Gained by Increase
Brown Feeders	117	50,501	1/3/05 to 1/5/05	51,300	1/6/05	799	\$1,009.70
Sol Bouziden & Sons	99	48,549	1/3/05 to 1/6/05	49,256	1/7/05	707	\$831.15
Sol Bouziden & Sons	100	45,171	1/6/05 to 1/8/05	45,810	1/9/05	639	\$794.85
Lubbock Feeders	80	46,275	1/4/05 to 1/10/05	47,360	1/12/05	1,085	\$1,121.02
Ronnie Gill	110	48,100	1/10/05 to 1/11/05	48,335	1/12/05	235	\$297.18
Don Brown	139	47,630	1/8/05 to 1/12/05	48,270	1/13/05	640	\$918.08
Bouziden Clovis Cattle	104	53,060	1/10/05 to 1/12/05	53,725	1/13/05	665	\$777.52
CRI Feeders	205	94,030	1/6/05 to 1/12/05	95,610	1/14/05	1,580	\$1,966.63
CRI Feeders	200	92,615	1/13/05 to 1/14/05	94,425	1/15/05	1,810	\$2,257.61
John Bezner	138	45,781	1/17/05 to 1/21/05	46,490	1/22/05	709	\$1,040.95
George Harrington	52	30,740	1/18/05 to 1/22/05	31,645	1/23/05	905	\$1,030.34
Ronnie Gill	119	48,083	1/20/05 to 1/25/05	49,475	1/27/05	1,392	\$1,844.68
George Harrington	83	49,912	1/24/05 to 1/26/05	50,470	1/27/05	558	\$622.56
George Harrington	21	12,583	1/24/05 to 1/27/05	12,650	1/28/05	67	\$76.19
John Benzer	56	15,370	1/26/05 to 2/1/05	15,525	2/3/05	155	\$241.60
John Benzer	88	30,470	1/26/05 to 2/1/05	30,790	2/3/05	320	\$475.07
Ben McDaniel	51	18,025	2/1/05 to 2/5/05	18,205	2/6/05	180	\$247.36
Ben McDaniel	78	23,185	2/2/05 to 2/12/05	23,650	2/13/05	465	\$746.14
Ian Chapman	95	41,885	2/23/05 to 3/2/05	42,980	3/4/05	1,095	\$1,417.37
Kyle Beecher	50	23,687	3/19/05	24,315	3/21/05	628	\$827.77

Customer Name	No. Hd	Purchase Weight (lbs)	Date Bought	Sale Weight (lbs)	Date Sold	Weight Increase (lbs)	Dollar Amount Gained by Increase
Gerald Beecher	50	24,017	3/18/05 to 3/19/05	24,390	3/21/05	373	\$490.91
Howard Cattle Co.	90	43,756	3/18/05 to 3/24/05	44,675	3/25/05	919	\$1,148.38

In these transactions, Respondent purchased cattle from various livestock markets, and unlawfully sold the cattle in commerce based on false weights. Respondent prepared and maintained falsified scale tickets to support the sales in which they billed customers for these fraudulently increased weights.

III

- (a) During the period January 6, 2005 through January 27, 2005, Respondent purchased livestock and failed to pay, when due, for these livestock purchases.
- (b) Respondent's purchases for which it failed to pay, when due, were as follows:

Customer Name	Date of Purchase	No. Head	Date Payment Due Per §409(a)	Date Paid Per §409(a)	Total Livestock Amount
Groesbeck Auction	1/6/05	5	1/7/05	1/10/05	\$2,787.35
Brazos Valley Livestock	1/11/05	47	1/12/05	1/13/05	\$26,167.53
Caldwell Livestock	1/12/05	21	1/13/05	1/14/05	\$11,433.90
Groesbeck Auction	1/13/05	19	1/14/05	1/15/05	\$10,454.90
Caldwell Livestock	1/19/05	10	1/20/05	1/22/05	\$6,656.35
Groesbeck Auction	1/20/05	12	1/21/05	1/22/05	\$6,386.65
Brazos Valley Livestock	1/25/05	20	1/26/05	1/27/05	\$11,794.68
Caldwell Livestock	1/26/05	4	1/27/05	1/28/05	\$2,671.65
Groesbeck Livestock	1/27/05	6	1/28/05	1/29/05	\$3,545.50
				Total	\$81,898.51

IV

By reason of the facts alleged in paragraph II herein, specifically, Respondent's practice of selling livestock in commerce based on false weights, and preparing and maintaining falsified scale tickets to support the sales in which it billed customers for these fraudulently increased weights, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213 (a)), and sections 201.49, 201.55, and 201.71 of the regulations (9 C.F.R. §§ 201.49, 201.55 and 201.71).

By reason of the facts alleged in paragraph II herein, specifically, Respondent's practice of failing to record weight values on a scale ticket with a printing device when livestock was re-weighed for the purpose of sale to buyers, and generating handwritten scale tickets for its own records on the basis of false and incorrect weights, Respondent has failed to keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221).

By reason of the facts alleged in paragraph III herein, specifically, Respondent's practice of failing to pay, when due, for livestock, Respondent has violated sections 312(a) (7 U.S.C. § 213 (a)) and 409 (7 U.S.C. § 228(b)) of the Act, and section 201.43 of the regulations (9 C.F.R. § 201.43(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the Respondent. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice

Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

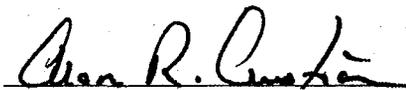
Packers and Stockyards Program, GIPSA, requests:

1. That unless the Respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and

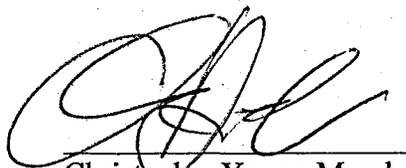
2. That such order or orders be issued, including an order requiring the Respondent to cease and desist from violations of the Act and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 26 day of June, 2007



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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